

Notice of Allowability

Application No.

09/635,777

Applicant(s)

LABIO ET AL.

Examiner

Oanh Duong

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/12/2005.
2. ☒ The allowed claim(s) is/are 1, 12-13, 15-20, 22, 23, 33, 3536, 38, 40-41, 46, 48-52, and 54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

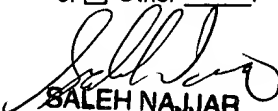
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/12/2005 has been entered.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

The invention as claimed. Claims 1, 23, and 46 specially include limitations based on monitoring and periodically collect data about a plurality of computer within a peer-to-peer network, and forming a profile characterizing each of the plurality of computers based on the collected data, wherein the profile comprising at least information on a number of files contained within each of the plurality of computers and other characteristics of each of the plurality of computers (as defined in the specification of the instant application at page 11 lines 11-12 and page 15 line14-page 16 line 3). While system and method for monitoring and periodically collect data about a plurality of computer is firmly documented by cited prior art, the monitoring and periodically collect data about a plurality of computer within a peer-to-peer network, and forming a profile characterizing each of the plurality of computers based on the collected data, wherein the profile comprising at least information on a number of files contained within each of

the plurality of computers and other characteristics of each of the plurality of computers (as defined in the specification of the instant application at page 11 lines 11-12 and page 15 line 14-page 16 line 3) limitations are novel, and the invention is patentable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The title of the invention is changed to "**System and Method for Searching Peer-to-Peer Computer Networks by Selecting a Computer Based on at least a Number of Files Shared by the Computer**".

The claim of the invention is amended as follow

1. (Currently amended) A method for searching a peer-to-peer computer network, comprising:

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monitoring and periodically collecting data about a plurality of computers within the peer-to-peer network, the collecting including a network location of each of the plurality of computers and being independent of a user search query, the collecting further including,

sending a signal to at least one of the plurality computers;

receiving the signal upon its return from the at ~~least~~ least one computer;

and

forming a profile characterizing the at least one computer based on information provided by the signal, the profile comprising information on a number of files contained within the at least one computer and one or more of:

a round trip time measure taken by the signal during its travel to and from the at least one computer;

information on an amount of content available to the network on the at least one computer;

information on the at least one computer's capability to process a search query;

information on a number of connected computers encountered by the signal during its travel to and from the at least one computer;

information on a number of additional computers connected to the at least one computer

information on a frequency with which the plurality of computers are connected to the network; and

information on which of the plurality of computers are currently connected to the network;

selecting at least one computer to be a selected computer, based on the collected data; and


routing a search query from a user to the selected computer via the network location of the selected computer.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 9:30PM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
February 20, 2006


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER